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**JUN 16 1995**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

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June 16, 1995

Hand Delivered

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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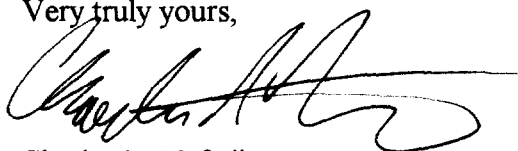
Re: Policies and Rules Concerning Children's Television Programming  
MM Docket No. 93-48

Dear Mr. Caton:

Transmitted herewith, on behalf of the National Broadcast Association for Community Affairs, are an original and nine copies of its Comments in the above-referenced proceeding.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,



Charles R. Naftalin

Enclosures

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )

Policies and Rules Concerning )  
Children's Television Programming )

Revision of Programming Policies )  
for Television Broadcast Stations )

) MM Docket No. 93-48

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**COMMENTS OF THE NATIONAL BROADCAST  
ASSOCIATION FOR COMMUNITY AFFAIRS**

The National Broadcast Association for Community Affairs ("NBACA"), by its attorneys, hereby submits its Comments in response to the Notice of Proposed Rule Making, FCC 95-143 (released April 7, 1995) ("NPRM") in the above-captioned proceeding.

NBACA is a non-profit association of radio and television broadcast professionals all of whom work daily in the area of community affairs programming and community relations in approximately 217 commercial television and 21 commercial radio stations scattered across the United States. NBACA includes 47 non-profit organizations as members. As an association which has served its members for more than 15 years, NBACA is dedicated to sustaining and improving public affairs broadcasting locally, regionally and nationally. Its members constantly interact with the public and community leaders, often including discussions concerning children's television programming. Members of NBACA routinely have the responsibility for ensuring that broadcast stations appropriately comply with reporting requirements for issue responsive programming and children's programming, and otherwise maintain public inspection files. NBACA members are involved with creation, delivery and regular improvement of children's television programming on a nearly daily basis. From this uniquely qualified perspective, NBACA

is pleased to offer the following comments concerning important issues at stake in this proceeding.

The quality and quantity of children's programming is both strong, and growing. The entire industry has made substantial strides in improving children's programming as a consequence of the Commission's actions in the earlier children's programming proceedings.<sup>1</sup> There is no reason for drastic Commission action at this time, and substantial reason to avoid the burdens of excessive regulation. Based upon its collective experience, NBACA urges the Commission to permit market place forces to continue the advancement of top-quality children's programming which is already underway. The reasons for this are many.

The television market place constantly changes in response to the dynamic arena of community concerns and issues. Fixing definitions and establishing program content regulations consistent with some of the Commission's tentative proposals in the NPRM could stifle the creative development of informational and educational programs for children. Maximum flexibility is essential for public service professionals to address constantly changing community values, ideas and issues. Regulatory proposals advanced in the NPRM which would fix minimum weekly hourly requirements, or verge upon outright content regulation, are antithetical to the real-world necessities which drive all public service programming, including children's programming. Minimum "safe harbors" for programming could lead to disincentives to serve actual community needs, and perhaps lead to failures of concern and attention. Regulation-based definitions of "educational and information" might undermine the excitement and creativity which produces beneficial children's programming.

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<sup>1</sup>See MM Docket Nos. 90-570 and 83-670, in which NBACA was a participant.

NBACA strongly urges the Commission to expressly recognize the public interest benefits of short duration programming with educational and informational value for children. NBACA's professionals often coordinate multi-level broadcast and non-broadcast campaigns designed to address issues relevant to, and the needs of, children. For maximum effectiveness, such campaigns usually require short segments of programming, brief informational and educational messages and other public service announcements clearly benefitting children.

Examples of short duration programming which promote the educational and informational interests of children are extensive, and the production of a comprehensive list here would be a substantial burden upon the limited resources of NBACA. NBACA members regularly participate in the local production of short duration programming designed to address the educational, informational, health and safety needs of children. In addition, regional and national non-profit organizations devoted to public service regularly produce short segments of programming which, unquestionably, promote the educational and informational needs of children. The following are a few examples of the groups which participate in the production of short duration programming of benefit to children as part of their public services missions:

- The Advertising Council, Inc.
- The Partnership for a Drug Free America
- Boys Town
- Partners in Education
- American Dental Association
- YWCA and YMCA
- National Parent Teacher Association
- American Heart Association
- United States Olympic Committee
- Girl Scouts of America
- Take It Back Foundation

In no way is this list exhaustive. It is representative only, intended to provide a cross-section of

non-profit, public service organizations which depend in part upon short segment television programming to provide informational and educational benefits to children. Their programming by definition is not commercial.

NBACA members often produce short duration local programming as part of substantial outreach campaigns and other non-broadcast efforts which clearly provide extensive educational and informational benefits to children. For example, NBACA members at WWL-TV, New Orleans, Louisiana, and KMOV-TV, St. Louis, Missouri, separately, operate a "Homework Hotline" to which interested students may call through use of a toll free number for teacher-sponsored homework assistance. This public service is operated in conjunction with local educational institutions, and short duration television program segments are essential to the effectiveness of these hotlines. The purposes of these segments are entirely educational in nature.


As these brief examples indicate, short duration programming can be extremely effective in serving the educational and informational needs of children. Such programming often is consistent with the attention spans of many children, particularly those of the youngest portion of the audience which often is the least served. Short duration programming can reach a particularly broad youthful audience by appearing in any and all time slots, including during prime-time or high visibility "entertainment" programming where educational and informational programming is relatively rare. Moreover, short duration television segments often act as the chosen media of nationally acclaimed public interest organizations for reaching children, many of them "at risk" youth in desperate need of assistance.

For these reasons, NBACA urges the Commission to explicitly recognize that short duration programming of an informational or educational nature may be included as part of a

television stations's efforts to fulfill its children's programming obligations. To be sure, we do not suggest that such programming be the exclusive medium, only that its value be acknowledged and supported in this proceeding so that such efforts may "count" toward fulfilling the obligations of television stations. This would serve the best interests of our nation's children. To do otherwise could disadvantage them and undermine incentives to support the obvious public interest benefits promoted by public service programming.

Respectfully submitted,

NATIONAL BROADCAST ASSOCIATION  
FOR COMMUNITY AFFAIRS

By  /s/ Charles R. Naftalin  
Charles R. Naftalin

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June 16, 1995

Its Attorneys